

By Senator Bullard

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1 A bill to be entitled
2 An act relating to school safety; amending s. 212.20,
3 F.S.; providing that state sales and use taxes
4 collected on firearms and ammunition shall be
5 allocated to the Safe Schools Trust Fund rather than
6 the General Revenue Fund; creating s. 790.0535, F.S.;
7 providing that a student present within a school
8 safety zone who is carrying a weapon or firearm in
9 violation of specified provisions may avoid charges by
10 surrendering the weapon or firearm to a specified
11 person at the earliest opportunity if the student has
12 committed no other offense involving the weapon or
13 firearm; amending s. 1006.025, F.S.; requiring a
14 school district's guidance plan to include mandatory
15 guidance counseling for certain students in school
16 safety issues; amending ss. 11.45, 202.18, 218.245,
17 218.65, 288.11621, and 288.1169, F.S.; conforming
18 cross-references; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Paragraph (d) of subsection (6) of section
23 212.20, Florida Statutes, is redesignated as paragraph (e), and
24 a new paragraph (d) is added to that section, to read:

25 212.20 Funds collected, disposition; additional powers of
26 department; operational expense; refund of taxes adjudicated
27 unconstitutionally collected.—

28 (6) Distribution of all proceeds under this chapter and s.
29 202.18(1)(b) and (2)(b) shall be as follows:

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30 (d) Proceeds from the taxes collected under s. 212.06 on
31 sales and use of ammunition, as defined in s. 790.001, or a
32 firearm, as defined in s. 790.001, shall be distributed to the
33 Safe Schools Trust Fund.

34 Section 2. Section 790.0535, Florida Statutes, is created
35 to read:

36 790.0535 Surrender of weapon or firearm in school safety
37 zone; immunity.—A student who is within a school safety zone, as
38 defined in s. 810.0975, and is otherwise in violation of s.
39 790.01, s. 790.053, or s. 790.06(12) due to the carrying of a
40 weapon or firearm may not be charged with such violation if he
41 or she:

42 (1) At the earliest opportunity after entering the school
43 safety zone surrenders the weapon or firearm to a law
44 enforcement officer, school principal, or other person
45 designated by the school principal.

46 (2) Has committed no other violation of law involving the
47 weapon or firearm.

48 Section 3. Subsection (4) is added to section 1006.025,
49 Florida Statutes, to read:

50 1006.025 Guidance services.—

51 (4) Each school district's guidance plan shall include
52 mandatory guidance counseling in school safety issues for
53 students in kindergarten through grade 5 using Florida's School
54 Counseling and Guidance Framework.

55 Section 4. Paragraph (a) of subsection (5) of section
56 11.45, Florida Statutes, is amended to read:

57 11.45 Definitions; duties; authorities; reports; rules.—

58 (5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

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59 (a) The Legislative Auditing Committee shall direct the
60 Auditor General to make an audit of any municipality whenever
61 petitioned to do so by at least 20 percent of the registered
62 electors in the last general election of that municipality
63 pursuant to this subsection. The supervisor of elections of the
64 county in which the municipality is located shall certify
65 whether or not the petition contains the signatures of at least
66 20 percent of the registered electors of the municipality. After
67 the completion of the audit, the Auditor General shall determine
68 whether the municipality has the fiscal resources necessary to
69 pay the cost of the audit. The municipality shall pay the cost
70 of the audit within 90 days after the Auditor General's
71 determination that the municipality has the available resources.
72 If the municipality fails to pay the cost of the audit, the
73 Department of Revenue shall, upon certification of the Auditor
74 General, withhold from that portion of the distribution pursuant
75 to s. 212.20(6)(e)5. ~~212.20(6)(d)5.~~ which is distributable to
76 such municipality, a sum sufficient to pay the cost of the audit
77 and shall deposit that sum into the General Revenue Fund of the
78 state.

79 Section 5. Paragraph (b) of subsection (2) of section
80 202.18, Florida Statutes, is amended to read:

81 202.18 Allocation and disposition of tax proceeds.—The
82 proceeds of the communications services taxes remitted under
83 this chapter shall be treated as follows:

84 (2) The proceeds of the taxes remitted under s.
85 202.12(1)(b) shall be divided as follows:

86 (b) Sixty-three percent of the remainder shall be allocated
87 to the state and distributed pursuant to s. 212.20(6), except

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88 that the proceeds allocated pursuant to s. 212.20(6)(e)2.
89 ~~212.20(6)(d)2.~~ shall be prorated to the participating counties
90 in the same proportion as that month's collection of the taxes
91 and fees imposed pursuant to chapter 212 and paragraph (1)(b).

92 Section 6. Subsection (3) of section 218.245, Florida
93 Statutes, is amended to read:

94 218.245 Revenue sharing; apportionment.—

95 (3) Revenues attributed to the increase in distribution to
96 the Revenue Sharing Trust Fund for Municipalities pursuant to s.
97 212.20(6)(e)5. ~~212.20(6)(d)5.~~ from 1.0715 percent to 1.3409
98 percent provided in chapter 2003-402, Laws of Florida, shall be
99 distributed to each eligible municipality and any unit of local
100 government that is consolidated as provided by s. 9, Art. VIII
101 of the State Constitution of 1885, as preserved by s. 6(e), Art.
102 VIII, 1968 revised constitution, as follows: each eligible local
103 government's allocation shall be based on the amount it received
104 from the half-cent sales tax under s. 218.61 in the prior state
105 fiscal year divided by the total receipts under s. 218.61 in the
106 prior state fiscal year for all eligible local governments.
107 However, for the purpose of calculating this distribution, the
108 amount received from the half-cent sales tax under s. 218.61 in
109 the prior state fiscal year by a unit of local government which
110 is consolidated as provided by s. 9, Art. VIII of the State
111 Constitution of 1885, as amended, and as preserved by s. 6(e),
112 Art. VIII, of the Constitution as revised in 1968, shall be
113 reduced by 50 percent for such local government and for the
114 total receipts. For eligible municipalities that began
115 participating in the allocation of half-cent sales tax under s.
116 218.61 in the previous state fiscal year, their annual receipts

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117 shall be calculated by dividing their actual receipts by the
118 number of months they participated, and the result multiplied by
119 12.

120 Section 7. Subsections (5), (6), and (7) of section 218.65,
121 Florida Statutes, are amended to read:

122 218.65 Emergency distribution.—

123 (5) At the beginning of each fiscal year, the Department of
124 Revenue shall calculate a base allocation for each eligible
125 county equal to the difference between the current per capita
126 limitation times the county's population, minus prior year
127 ordinary distributions to the county pursuant to ss.

128 212.20(6)(e)2. ~~212.20(6)(d)2.~~, 218.61, and 218.62. If moneys
129 deposited into the Local Government Half-cent Sales Tax Clearing
130 Trust Fund pursuant to s. 212.20(6)(d)3., excluding moneys
131 appropriated for supplemental distributions pursuant to
132 subsection (8), for the current year are less than or equal to
133 the sum of the base allocations, each eligible county shall
134 receive a share of the appropriated amount proportional to its
135 base allocation. If the deposited amount exceeds the sum of the
136 base allocations, each county shall receive its base allocation,
137 and the excess appropriated amount, less any amounts distributed
138 under subsection (6), shall be distributed equally on a per
139 capita basis among the eligible counties.

140 (6) If moneys deposited in the Local Government Half-cent
141 Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(e)3.
142 ~~212.20(6)(d)3.~~ exceed the amount necessary to provide the base
143 allocation to each eligible county, the moneys in the trust fund
144 may be used to provide a transitional distribution, as specified
145 in this subsection, to certain counties whose population has

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146 increased. The transitional distribution shall be made available
147 to each county that qualified for a distribution under
148 subsection (2) in the prior year but does not, because of the
149 requirements of paragraph (2)(a), qualify for a distribution in
150 the current year. Beginning on July 1 of the year following the
151 year in which the county no longer qualifies for a distribution
152 under subsection (2), the county shall receive two-thirds of the
153 amount received in the prior year, and beginning July 1 of the
154 second year following the year in which the county no longer
155 qualifies for a distribution under subsection (2), the county
156 shall receive one-third of the amount it received in the last
157 year it qualified for the distribution under subsection (2). If
158 insufficient moneys are available in the Local Government Half-
159 cent Sales Tax Clearing Trust Fund to fully provide such a
160 transitional distribution to each county that meets the
161 eligibility criteria in this section, each eligible county shall
162 receive a share of the available moneys proportional to the
163 amount it would have received had moneys been sufficient to
164 fully provide such a transitional distribution to each eligible
165 county.

166 (7) There is hereby annually appropriated from the Local
167 Government Half-cent Sales Tax Clearing Trust Fund the
168 distribution provided in s. 212.20(6)(e)3. ~~212.20(6)(d)3.~~ to be
169 used for emergency and supplemental distributions pursuant to
170 this section.

171 Section 8. Paragraphs (a) and (d) of subsection (3) of
172 section 288.11621, Florida Statutes, are amended to read:

173 288.11621 Spring training baseball franchises.—

174 (3) USE OF FUNDS.—

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175 (a) A certified applicant may use funds provided under s.
176 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~ only to:

177 1. Serve the public purpose of acquiring, constructing,
178 reconstructing, or renovating a facility for a spring training
179 franchise.

180 2. Pay or pledge for the payment of debt service on, or to
181 fund debt service reserve funds, arbitrage rebate obligations,
182 or other amounts payable with respect thereto, bonds issued for
183 the acquisition, construction, reconstruction, or renovation of
184 such facility, or for the reimbursement of such costs or the
185 refinancing of bonds issued for such purposes.

186 3. Assist in the relocation of a spring training franchise
187 from one unit of local government to another only if the
188 governing board of the current host local government by a
189 majority vote agrees to relocation.

190 (d)1. All certified applicants must place unexpended state
191 funds received pursuant to s. 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~
192 in a trust fund or separate account for use only as authorized
193 in this section.

194 2. A certified applicant may request that the Department of
195 Revenue suspend further distributions of state funds made
196 available under s. 212.20(6)(e)6.b. ~~212.20(6)(d)6.b.~~ for 12
197 months after expiration of an existing agreement with a spring
198 training franchise to provide the certified applicant with an
199 opportunity to enter into a new agreement with a spring training
200 franchise, at which time the distributions shall resume.

201 3. The expenditure of state funds distributed to an
202 applicant certified before July 1, 2010, must begin within 48
203 months after the initial receipt of the state funds. In

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204 addition, the construction of, or capital improvements to, a
205 spring training facility must be completed within 24 months
206 after the project's commencement.

207 Section 9. Subsection (6) of section 288.1169, Florida
208 Statutes, is amended to read:

209 288.1169 International Game Fish Association World Center
210 facility.—

211 (6) The department must recertify every 10 years that the
212 facility is open, that the International Game Fish Association
213 World Center continues to be the only international
214 administrative headquarters, fishing museum, and Hall of Fame in
215 the United States recognized by the International Game Fish
216 Association, and that the project is meeting the minimum
217 projections for attendance or sales tax revenues as required at
218 the time of original certification. If the facility is not
219 recertified during this 10-year review as meeting the minimum
220 projections, then funding shall be abated until certification
221 criteria are met. If the project fails to generate \$1 million of
222 annual revenues pursuant to paragraph (2)(e), the distribution
223 of revenues pursuant to s. 212.20(6)(e)6.d. ~~212.20(6)(d)6.d.~~
224 shall be reduced to an amount equal to \$83,333 multiplied by a
225 fraction, the numerator of which is the actual revenues
226 generated and the denominator of which is \$1 million. Such
227 reduction remains in effect until revenues generated by the
228 project in a 12-month period equal or exceed \$1 million.

229 Section 10. This act shall take effect July 1, 2013.